**South Carolina General Assembly**

125th Session, 2023-2024

**S. 554**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Davis and Kimbrell

Companion/Similar bill(s): 546

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Introduced in the Senate on February 21, 2023

Currently residing in the Senate Committee on **Labor, Commerce and Industry**

Summary: DEW Restructuring

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/21/2023 Senate Introduced and read first time ([Senate Journal‑page 11](h:\sj\20230221.docx))

2/21/2023 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 11](h:\sj\20230221.docx))

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=554&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/21/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/554_20230221.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 41‑29‑20, RELATING TO THE APPOINTMENT OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE’S EXECUTIVE DIRECTOR, HIS APPOINTMENT, REMOVAL FROM OFFICE, AND COMPENSATION, SO AS TO PROVIDE THAT THE EXECUTIVE DIRECTOR IS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING SECTION 41‑29‑35, RELATING TO APPOINTMENT OF THE EXECUTIVE DIRECTOR, SO AS TO PROVIDE QUALIFICATIONS FOR OFFICE; AND BY REPEALING ARTICLE 7, CHAPTER 27, TITLE 41, RELATING TO THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE REVIEW COMMITTEE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 41‑29‑20 of the S.C. Code is amended to read:

Section 41‑29‑20. There is hereby created the South Carolina Department of Employment and Workforce which must be managed and operated by an executive director nominated by the State Department of Employment and Workforce Review Committee and appointed by the Governor, with the advice and consent of the Senate. The term of the executive director is conterminous with that of the Governor and until a successor is appointed pursuant to this act. The executive director is subject to removal by the Governor as provided in Section 1‑3‑240(B). The executive director shall receive compensation as established under the provisions of Section 8‑11‑160 and for which funds have been authorized in the general appropriations act. For the purposes of this chapter, “department” means the South Carolina Department of Employment and Workforce.

SECTION 2. Section 41‑29‑35 of the S.C. Code is amended to read:

Section 41‑29‑35. (A) The Executive Director of the Department of Employment and Workforce must be appointed pursuant to the procedure set forth in Section 41‑27‑720.

(B)(A) The committee must nominate three applicants found qualified to serve as executive director for the Governor's consideration. In making nominations to the Governorhis executive director appointment, the committee Governor should consider race, gender, national origin, and other demographic factors to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State. The committee Governor must also give due consideration to a person'sthe appointee’s ability, area of expertise, dedication, compassion, common sense, and integrity. If fewer than three applicants are found qualified to serve as executive director, the committee must resolicit for applicants and continue the screening process until three applicants are found qualified and nominated.

(1) A person may not be appointed to serve as permanent executive director unless the committee finds the person qualified.

(2) The Governor must transmit the name of his appointee to the Senate for advice and consent.

(3) If the Governor rejects all of the nominees, the committee must reopen the nominating process.

(C)(B) For the committee to find a person qualified, heThe Governor’s appointee must have:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face to face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; and

(2) a background of substantial duration and expertise in business, labor and employment, employment benefits, human resource management, or five years' experience as a practicing attorney.

(D) The committee may find a person qualified although he does not have a background of substantial duration and expertise in one of the five enumerated areas contained in subsection (C)(2) of this section if two‑thirds of the committee vote to qualify this candidate and provide written justification of their decision in the report as to the qualifications of the candidates.

SECTION 3. Article 7, Chapter 27, Title 41, relating to the Department of Employment and Workforce Review Committee, is repealed.

SECTION 4. This act takes effect upon approval by the Governor.

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